

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner's assistance is requested in helping insure that the new Powers of Attorney filed August 31 and October 16, 2006 (respectively from each of the two assignees) is properly entered so that future correspondence is properly directed to the undersigned.

In response to the objection under 37 C.F.R. §1.84(p)(5), it is noted that the questioned element 34 is, in fact, referred to in the specification (page 14, line 7). Page 14 has been amended to agree more explicitly with the element description in Fig. 1, that is "output unit 34" has been amended to "output display 34". Additionally, page 11 has been amended to reflect output display 34 in conjunction with the discussion of Fig. 1. No new material is being added as the amended material here is the same as that presented on page 14.

The rejection of claims 1, 2, 4, 5, 7, 10-18 and 25-26 under 35 U.S.C. §102(b) as allegedly anticipated by Borsboom et al. (WO 00/64242) is respectfully traversed.

Claims 1 and 12 have been amended to require a recessed cavity "having an arc-shaped smooth profile in fluid contact along a side wall of the conduit." As noted in the specification, these features enable optical transmission measurements to be performed on a pulsating milk flow "without the pulsation and turbulence significantly affecting the accuracy of the measurement."

In view of the amendments to claims 1 and 12 there is an element and/or limitation (e.g., the recessed cavity having an arc-shaped profile) present in claims 1 and 12 which is clearly absent in Borsboom. Neither is there any suggestion of such features in Borsboom.

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Since claims 2, 4, 5, 7, 10-11, 13-18 and 25-26 depend, directly or indirectly, from one of the independent claims 1 and 12, these dependent claims add yet further patentable distinction to the claimed invention.

The rejections of claims 3, 6, 8-9, 19 and 20-24 under 35 U.S.C. §103(a) as allegedly being made obvious based on Borsboom alone or in combination with Lovette et al. (6,407,813) or Klein (WO 96/31764) or Klein (WO/96/31764) and further in view of Lovette et al. (6,407,813) are all respectfully traversed.

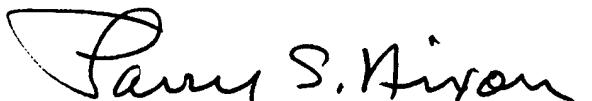
As discussed above, Borsboom fails to teach or suggest at least one important claimed structural limitation (e.g., the recessed cavity having an arc-shaped smooth profile) of independent claims 1 and 12. Additionally, Borsboom in any combination with Klein and/or Lovette also do not suggest this limitation. Dependent claims 3, 6, 8-9, 19, and 20-24 add yet further patentable distinction to the claimed invention.

In view of the foregoing amendments and remarks, this entire application is believed to be in condition for allowance and a formal Notice to that effect is respectfully requested.

Respectfully submitted,

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